IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.14646 of 2007

TUESDAY, THE TENTH DAY OF JULY TWO THOUSAND AND SEVEN

Between:

Talluru Kamakshamma, W/o. late Sathiraju,
Hindu, aged about 92 years, Agriculture,
C/o. Suresh General Stores, Main Road,
Peddapuram, East Godavari District, and another.

… Petitioners

And

The District Collector, East Godavari
District, and others.

… Respondents

Order:

This writ petition has been filed seeking Mandamus to declare the notification dated 19-06-2007, issued by the first respondent in proceedings Ref.G2/3654/2007, under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') as illegal and arbitrary.

Heard learned counsel for the petitioner and learned

Government Pleader for Land Acquisition appearing for the respondents.

Petitioners claim to be the owners and possessors of land admeasuring Ac.1.90 cents and Ac.2.48 cents in S.Nos.261/2 and 262/2 respectively. The said land has been notified for acquisition, by the impugned notification, for the purpose of providing house sites to weaker sections.

The only ground on which the said notification is questioned is that petitioners are small farmers and do not own any other land except the lands in question. It is their case that though there are other lands available in the village, which are suitable for providing house sites to weaker sections, they are being deprived of their land.

A reading of the impugned notification makes it clear that the Revenue Divisional Officer, Peddapuram, has been appointed by the District Collector to perform the functions of Collector under Section 5-A of the Act and the enquiry as contemplated under Section 5-A of the Act is not dispensed with.

Whether the petitioners are small farmers or not would come into light after enquiry is conducted. I do not find any valid grounds to interdict the proceedings at this stage.

In the circumstances, I dispose of the writ petition permitting the petitioners to file their objections before the second respondent and if any such objections are received from the petitioners, second respondent shall consider the same in the enquiry contemplated under Section 5-A of the Act and pass appropriate orders. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

July 10, 2007
MRR